

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

KELINNE O.,
On Behalf of K.P.Q.,

5:23-cv-812 (BKS/ML)

Plaintiff,

v.

MARTIN O'MALLEY,
Commissioner Of Social Security,

Defendant.

Appearances:

For Plaintiff:

Justin M. Goldstein
Kenneth R. Hiller
Law Offices of Kenneth Hiller, PLLC
6000 North Bailey Avenue, Suite 1A
Amherst, NY 14226

For Defendant:

Carla Freedman
United States Attorney
Fergus J. Kaiser, Special Assistant United States Attorney
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235

Hon. Brenda K. Sannes, Chief United States District Judge:

MEMORANDUM-DECISION AND ORDER

Plaintiff filed this action under 42 U.S.C. § 405(g) seeking review of the Commissioner of Social Security's denial of her minor child's application for Supplemental Security Income. (Dkt. No. 1). This matter was referred to United States Magistrate Judge Miroslav Lovric for a Report and Recommendation. (Dkt. No. 4); Local Rule 73.2(d). On April 16, 2024, after reviewing the parties' briefs, (Dkt. Nos. 9, 13, 14), and the Administrative Transcript, (Dkt. No.

8), Magistrate Judge Lovric issued a Report-Recommendation recommending: that the Commissioner's decision be affirmed; that Defendant's motion for judgment on the pleadings be granted; that Plaintiff's motion for judgment on the pleadings be denied; and that Plaintiff's complaint be dismissed. (Dkt. No. 16). Magistrate Judge Lovric advised the parties that under 28 U.S.C. § 636(b)(1), they had "14 days within which to file written objections" to the Report-Recommendation and that "failure to object to th[e] report within 14 days will preclude appellate review." (Dkt. No. 16 at 13 (citing *Roldan v. Racette*, 984 F.2d 85 (2d Cir. 1993); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72, 6(a), 6(e)). No objections were filed.

The Court reviews de novo those portions of the Magistrate Judge's findings and recommendations that have been properly preserved with a specific objection. *Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); 28 U.S.C. § 636(b)(1)(C). Findings and recommendations as to which there was no properly preserved objection are reviewed for clear error. *Id.* Neither of the parties has raised any objection to Magistrate Judge Lovric's Report-Recommendation. The Court has reviewed the Report-Recommendation for clear error and found none.

For these reasons, it is hereby

ORDERED that Magistrate Judge Lovric's Report-Recommendation (Dkt. No. 16) is **ADOPTED** in all respects; and it is further

ORDERED that the Commissioner's decision is **AFFIRMED**; and it is further

ORDERED that Defendant's motion for judgment on the pleadings (Dkt. No. 13) is **GRANTED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 9) is **DENIED**; and it is further

ORDERED that Plaintiff's complaint (Dkt. No. 1) is **DISMISSED** and the Clerk of the Court is directed to close this case.

IT IS SO ORDERED.

Dated: May 6, 2024
Syracuse, New York

A handwritten signature in black ink, reading "Brenda K Sannes". The signature is written in a cursive, flowing style. The first name "Brenda" is written in a larger, more prominent script, followed by "K" and "Sannes". The signature is positioned above a horizontal line.

Brenda K. Sannes
Chief U.S. District Judge